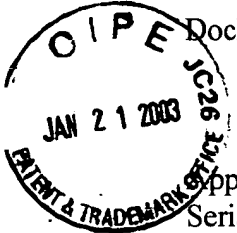


#8



Docket No. 003252-052961

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428
Filed: May 10, 2001
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
Group: 3739
Examiner: Roy Dean Gibson

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231.

1/15/2003
Date

Nicole M. Gignac
type or print name of person mailing paper

Nicole M. Gignac
signature of person mailing paper

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION:

Petition Information
Crystal Park One, Suite 520
(M.P.E.P. Section 1002.02(b), 7th ed.)

RECEIVED

JAN 23 2003

OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY
UNDER 37 C.F.R. SECTION 1.137(b)

1. This application became abandoned on 12/10/2002.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of the petition was unintentional. 37 C.F.R. Section 1.137(b)(3).
3. Response or action required
 - ☐ has been filed;
 - ☐ is attached;
 - ☒ Per the Notice of Abandonment mailed 12/10/2002, please note that the 06 June 2002 Office Letter, which has initiated the abandonment, has not been received by the Applicant. Therefore, no response has been filed or is attached.

01/22/2003 CNGUYEN 00000070 500850 09853428

01 FC:2453 30.00 CH 620.00 OP

Applicants: George Brainard
Serial No.: 09/853,428
Filed: May 10, 2001
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(complete the following, if applicable)

- ☐ The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

4. Fee (37 C.F.R. 1.17(m))

☒ Small business entity-fee \$650.00.

5. Payment of fee

- ☒ Enclosed please find check for \$620.00 .
☒ Charge Account 50-0850 for any additional fee required. *for deficiencies.*
☒ Charge Account 50-0850 remaining sum of \$30.00 - a duplicate of this petition is attached.

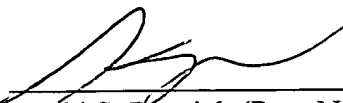
(complete the following, if applicable)

- ☐ Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. Section 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).
- ☐ Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

Date: 1/15/03

Customer No.: 26770

Respectfully submitted,



David S. Resnick (Reg. No. 34,235)
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101 Federal Street
Boston, MA 02110
(617) 345-6057